

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

James Boles, :
 :
Plaintiff, : Case No. 2:12-cv-1141
 :
v. : JUDGE GREGORY L. FROST
 : Magistrate Judge Kemp
Ohio Department of
Rehabilitation and Correction,
et al., :
 :
Defendants. :

REPORT AND RECOMMENDATION

Plaintiff James Boles, a state prisoner, began this action by filing a motion for a temporary restraining order. Subsequently, he submitted a complaint and a motion for leave to proceed *in forma pauperis*, which is being addressed in a separate order. This order deals with his request for a temporary restraining order.

In his motion, Mr. Boles claimed that after he was assaulted by inmates at the North Central Correctional Institution, he was transferred to the Ross Correctional Institution, where the inmate who ordered the assault was also housed. He asserted that he was threatened by that inmate that if he did not "ride out" he would be harmed. He asked the Court to order him to be transferred to the Lorain Correctional Institution.

Since that motion was filed, Mr. Boles has been transferred out of RCI. His more recent filings indicate that he now resides at the Mansfield Correctional Institution. That being so, his request for a transfer from RCI is now moot. The Court therefore RECOMMENDS that the Motion for a Temporary Restraining Order (Doc. No. 2) be denied.

If any party objects to this Report and Recommendation, that party may, within fourteen days of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A judge of this Court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the magistrate judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the district judge review the Report and Recommendation de novo, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. See Thomas v. Arn, 474 U.S. 140 (1985); United States v. Walters, 638 F.2d 947 (6th Cir. 1981).

/s/ Terence P. Kemp
United States Magistrate Judge